IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 1836 of 2004(R)

PETITIONERS:

1. **K.T. THOMAS, RETD.SELECTION GRADE LECTURER IN ENGLISH, BISHOP MOORE COLLEGE, MAVELIKKARA, RESIDING AT KAIPURAIDOM, MAVELIKKARA-690 101.**

2. **ANIAN ALEX THOMAS, RETD.SELECTION GRADE LECTURER IN ENGLISH, CHRISTIAN COLLEGE, CHENGANNOR, RESIDING AT PALAKUNNATH, MARAMON P.O., THIRUVALLA.**

3. **M.K. THOMAS, RETD.SELECTION GRADE LECTURER IN ENGLISH, CHRISTIAN COLLEGE, CHENGANOOR, RESIDING AT MULAMOOTTIL, ANGADICKAL SOUTH P.O., CHENGANNOOR.**

4. **REMANI JACOB, RETD.SELECTION GRADE LECTURER IN ZOOLOGY, BISHOP MOOR COLLEGE, MAVELIKKARA, RESIDING AT ATTUMALIL, WEST OF RAILWAY STATION, MAVELIKKARA.**

BY ADV. SRI.C.P.SUDHAKARA PRASAD,
SRI.ELVIN PETER P.J.,
SRI.S.RAMESH,
SRI.P.N.SANTHOSH,
SRI.S.D.ASOKAN,
SRI.NAVEEN.T.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

W.P.(C). NO.1836/2004:

**2. THE DIRCTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.**

**3. THE MANAGER, BISHOP MOORE COLLEGE,
MAVELIKKARA.**

**4. THE MANAGER, CHRISTIAN COLLEGE,
CHENGANNOOR.**

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1836/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. BMC/S.2/A. DTD. 10/02/1981 OF THE R.2.

EXT.P.2: COPY OF THE ORDER NO. BMC/S.2/A. DT. 25/07/1981 OF THE R.2.

EXT.P.3: COPY OF THE ORDER NO. BMC/ESTT. G1/2263/82. DT. 13/12/1982 OF THE R.2.

EXT.P.4: COPY OF THE ORDER NO. BMC/ESTT.G1/2263/82. DT. 25/07/83 OF THE R.2.

EXT.P.5: COPY OF THE ORDER NO. BMC/ESTT.G1/2263/82. DT. 25/07/1984 OF THE R.2.

EXT.P.6: COPY OF THE MEMO NO. 338/79 DTD. 01/02/1979 OF THE R.3.

EXT.P.7: COPY OF THE MEMO NO. 433/80. DT. 07/10/1980 OF THE R.3.

EXT.P.8: COPY OF THE MEMO NO. 531/82. DT. 04/06/82 OF THE R.3.

EXT.P.9: COPY OF THE ORDER NO. BMC/ESTT.G1/225. DT. 01/11/1982 OF THE R.2.

EXT.P.10: COPY OF THE ORDER NO. BMC/ESTT.G1/2245/82. DT. 13/12/83 OF THE R.2.

EXT.P.11: COPY OF THE ORDER G.O. (MS). NO. 137/85/H. EDN. DTD. 14/06/1985.

EXT.P.12: COPY OF THE GOVT. LETTER NO. 12259/D2/87/H. EDN. DT. 06/05/1987 ISSUED BY THE GOVT.

EXT.P.13: COPY OF THE JUDGMENT DT. 20TH JUNE, 1995 IN O.P. NO. 7378/93 OF THIS HON. COURT.

EXT.P.14: COPY OF THE JUDGMENT DT. 20TH SEPT. 2001 IN O.P. NO. 14224/96 OF THIS HON. COURT.

EXT.P.15: COPY OF THE JUDGMENT DT. 6TH SEPT. 2002 IN O.P. NO. 16143/1998 OF THIS HON. COURT.

EXT.P.16: COPY OF THE REPRESENTATION DTD. 10TH MAY, 2003 FILED BY THE PETITIONERS BEFORE THE R.2.

EXT.P.17: COPY OF THE ORDER, G.O. (MS). NO. 60/02/H. EDN. DTD. 15/06/2002 ISSUED BY THE GOVT.

W.P.(C). NO. 1836/2004:

EXT.P.18: COPY OF THE JUDGMENT DT. 21ST FEBRUARY,1990 IN CIVIL APPEAL NO. 1257/1990 OF THE HONOURABLE SUPREME COURT.

EXT.P.19: COPY OF THE ORDER NO. UGC CELL-I(2) 34143/02/COLL. EDN. DT. 10/11/2003 ISSUED BY THE R.2.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C)NO. 1836 OF 2004

Dated this the 21st day of March, 2007.

J U D G M E N T

In the matter of service benefits with regard to the leave without allowance period, apparently the stand of the respondents requires reconsideration, in view of the decision of this Court reported in ***KSRTC vs. Noorudeenkutty*** **(2005(3)KLT 504)** passed the impugned orders. Hence, the matter is remitted to the first respondent with a direction to consider the issue afresh with notice to the petitioners and respondents 3 and 4 and pass appropriate orders therein in accordance with law within a period of another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp